

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John C. Pederson  
Application No.: 10/609242  
Filed: June 27, 2003  
For: LED Warning Signal Light and Movable Support  
Examiner: Julie Bichngoc Lieu  
Group Art Unit: 2636  
Firm Docket No.: E30.2Q-8140-US16

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## Conditional Petition

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Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS

Date: 5-27, 2005

By: [Signature]  
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Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: E30.2Q-8140-US16

NOTICE PURSUANT TO MPEP §2001.06(c)


Applicant/patent holder is hereby providing notice to the United States Patent & Trademark Office pursuant to MPEP §2001.06(c) that the below identified patents are involved in litigation in the United States District Court for the Eastern District of Texas. Attached hereto is a photocopy of the patent infringement Complaint. The patents involved in litigation include the following:

6,380,865  
6,424,269  
6,469,631  
6,472,996  
6,504,487  
6,788,217  
6,822,578.

Respectfully submitted,

VIDAS, ARRETT &amp; STEINKRAUS

Date: 5-27, 2005

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
05 APR -5 AM 10:19  
TX EASTERN-MARSHALL

911EP, INC.,

Plaintiff,

v.

WHELEN ENGINEERING COMPANY, INC.,

FEDERAL SIGNAL CORPORATION,

TOMAR ELECTRONICS, INC.,

and

CODE 3, INC.,

Defendants.

BY \_\_\_\_\_

Case No. 2-05CV-187 *TJW*

JURY TRIAL DEMANDED

Judge T. John Ward

**COMPLAINT**

Plaintiff 911EP, Inc. ("911EP"), for its complaint against Defendants Whelen Engineering Company, Inc. ("Whelen"), Federal Signal Corporation ("Federal Signal"), Tomar Electronics, Inc. ("Tomar"), and Code 3, Inc. ("Code 3") (collectively "Defendants"), states as follows:

**Introduction**

1. This action arises from Defendants' infringement of 911EP's patents relating to light emitting diode ("LED") warning signal lights.

**Parties**

2. 911EP, Inc. is a Delaware corporation with principal places of business in Jacksonville, Florida, and St. Cloud, Minnesota.

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3. Upon information and belief, Whelen is a Connecticut corporation with its principal place of business in Chester, Connecticut.

4. Upon information and belief, Federal Signal is a Delaware corporation with its principal place of business in Oak Brook, Illinois.

5. Upon information and belief, Tomar is an Arizona corporation with its principal place of business in Gilbert, Arizona.

6. Upon information and belief, Code 3 is a Missouri corporation with its principal place of business in St. Louis, Missouri. Upon information and belief, Code 3 is a subsidiary of Public Safety Equipment, Inc., a Delaware corporation with its principal place of business in St. Louis, Missouri.

#### **Jurisdiction and Venue**

7. This is an action for patent infringement arising under provisions of the patent laws of the United States, Title 35, U.S. Code.

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Upon information and belief, each of the defendants has committed acts of infringement in this District.

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

#### **Patent Infringement**

11. On April 30, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,380,865 B1 (the "'865 patent") to the inventor, John C. Pederson ("Pederson"). A true and correct copy of the '865 patent is attached hereto as Exhibit 1. Pederson assigned the

'865 patent to 911 Emergency Products, Inc. The '865 patent was subsequently assigned to 911EP.

12. On July 23, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,424,269 B1 (the "'269 patent") to the inventor, Pederson. A true and correct copy of the '269 patent is attached hereto as Exhibit 2. Pederson assigned the '269 patent to 911 Emergency Products, Inc. The '269 patent was subsequently assigned to 911EP.

13. On October 22, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,469,631 B1 (the "'631 patent") to the inventor, Pederson. A true and correct copy of the '631 patent is attached hereto as Exhibit 3. Pederson assigned the '631 patent to 911 Emergency Products, Inc. The '631 patent was subsequently assigned to 911EP.

14. On October 29, 2002, the United States Patent and Trademark Office issued U.S. Patent No. 6,472,996 B1 (the "'996 patent") to the inventor, Pederson. A true and correct copy of the '996 patent is attached hereto as Exhibit 4. Pederson assigned the '996 patent to 911 Emergency Products, Inc. The '996 patent was subsequently assigned to 911EP.

15. On January 7, 2003, the United States Patent and Trademark Office issued U.S. Patent No. 6,504,487 B1 (the "'487 patent") to the inventor, Pederson. A true and correct copy of the '487 patent is attached hereto as Exhibit 5. Pederson assigned the '487 patent to 911 Emergency Products, Inc. The '487 patent was subsequently assigned to 911EP.

16. On September 7, 2004, the United States Patent and Trademark Office issued U.S. Patent No. 6,788,217 B2 (the "'217 patent") to the inventor, Pederson. A true and correct copy of the '217 patent is attached hereto as Exhibit 6. Pederson assigned the '217 patent to 911EP.

17. On November 23, 2004, the United States Patent and Trademark Office issued U.S. Patent No. 6,822,578 B2 (the "'578 patent") to the inventor, Pederson. A true and correct

copy of the '578 patent is attached hereto as Exhibit 7. Pederson assigned the '578 patent to 911EP.

18. Upon information and belief, each Defendant has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the '865, '269, '631, '996, '487, '217, and '578 patents (the "patents-in-suit") by making, using, selling, and/or offering to sell, in this judicial district and elsewhere in the United States, products covered by one or more of the claims in the patents-in-suit.

19. Upon information and belief, Whelen's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

20. Upon information and belief, the infringement of the patents-in-suit by Whelen has been with notice and knowledge of certain of the patents-in-suit and has been willful and deliberate at least since July, 2003.

21. Upon information and belief, Federal Signal's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

22. Upon information and belief, the infringement of the patents-in-suit by Federal Signal has been with notice and knowledge of certain of the patent-in-suit and has been willful and deliberate at least since July, 2003.

23. Upon information and belief, Tomar's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

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24. Upon information and belief, the infringement of the patents-in-suit by Tomar has been with notice and knowledge of certain of the patent-in-suit and has been willful and deliberate at least since July, 2003.

25. Upon information and belief, Code 3's infringement includes, but is not limited to, the manufacture, use, sale, importation, and/or offer for sale of infringing warning signal lights employing LEDs.

26. Upon information and belief, the infringement of the patents-in-suit by Code 3 has been with notice and knowledge of certain of the patent-in-suit and has been willful and deliberate at least since July, 2003.

27. Defendants' acts of infringement have caused damage to 911EP, and 911EP is entitled to recover from the Defendants the damages it has sustained in an amount to be proved at trial.

28. Defendants' acts of infringement have caused and will continue to cause irreparable harm to 911EP. 911EP has no adequate remedy at law.

**Prayer for Relief**

WHEREFORE, 911EP prays this Court for:

A. Judgment against each of the Defendants in an amount to be proved at trial for damages caused by Defendants' infringement, contributory infringement, and induced infringement of one or more claims of one or more of the patents-in-suit and treble damages for willful and deliberate infringement pursuant to 35 U.S.C. § 284;

B. Prejudgment interest on such damages;

C. A permanent injunction against each of the Defendants, enjoining them from further acts of patent infringement;

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- D. Costs and reasonable attorneys' fees in accordance with 35 U.S.C. § 285; and
- E. Such other relief as the Court may deem appropriate.

**Demand for Jury Trial**

911EP demands trial by jury on all issues so triable.

Date: April 5, 2005

Respectfully Submitted,

911EP, INC.  
By Counsel,

*Aslan Baghdadi by W.F. Palmer w/ permission*

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